

Karma M. Giulianelli (SBN 184175)
 karma.giulianelli@bartlitbeck.com
BARTLIT BECK LLP
 1801 Wewetta St., Suite 1200
 Denver, Colorado 80202
 Telephone: (303) 592-3100

Hae Sung Nam (*pro hac vice*)
 hnam@kaplanfox.com
KAPLAN FOX & KILSHEIMER LLP
 850 Third Avenue
 New York, NY 10022
 Tel.: (212) 687-1980

*Co-Lead Counsel for the Proposed Class in In re
 Google Play Consumer Antitrust Litigation*

Steve W. Berman (*pro hac vice*)
 steve@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
 1301 Second Ave., Suite 2000
 Seattle, WA 98101
 Telephone: (206) 623-7292

Eamon P. Kelly (*pro hac vice*)
 ekelly@sperling-law.com
SPERLING & SLATER P.C.
 55 W. Monroe, Suite 3200
 Chicago, IL 60603
 Telephone: 312-641-3200

*Co-Lead Counsel for the Proposed Class in In re
 Google Play Developer Antitrust Litigation and
 Attorneys for Pure Sweat Basketball, Inc.*

Bonny E. Sweeney (SBN 176174)
 bsweeney@hausfeld.com
HAUSFELD LLP
 600 Montgomery Street, Suite 3200
 San Francisco, CA 94104
 Telephone: (415) 633-1908

*Co-Lead Counsel for the Proposed Class in In re
 Google Play Developer Antitrust Litigation and
 Attorneys for Peekya App Services, Inc.*

[Additional counsel appear on signature page]

Paul J. Riehle (SBN 115199)
 paul.riehle@faegredrinker.com
**FAEGRE DRINKER BIDDLE & REATH
 LLP**
 Four Embarcadero Center, 27th Floor
 San Francisco, CA 94111
 Telephone: (415) 591-7500

Christine A. Varney (*pro hac vice*)
 cvarney@cravath.com
CRAVATH, SWAINE & MOORE LLP
 825 Eighth Avenue
 New York, New York 10019
 Telephone: (212) 474-1000

*Counsel for Plaintiff Epic Games, Inc. in Epic
 Games, Inc. v. Google LLC et al.*

Brendan P. Glackin (SBN 199643)
 bglackin@agutah.gov
**OFFICE OF THE UTAH ATTORNEY
 GENERAL**
 160 E 300 S, 5th Floor
 PO Box 140872
 Salt Lake City, UT 84114-0872
 Telephone: 801-366-0260

Counsel for Utah

Glenn D. Pomerantz (SBN 112503)
 glenn.pomerantz@mto.com
MUNGER, TOLLES & OLSON LLP
 350 South Grand Avenue, Fiftieth Floor
 Los Angeles, California 90071
 Telephone: (213) 683-9100

Brian C. Rocca (SBN 221576)
 brian.rocca@morganlewis.com
MORGAN, LEWIS & BOCKIUS LLP
 One Market, Spear Street Tower
 San Francisco, CA 94105-1596
 Telephone: (415) 442-1000

Daniel M. Petrocelli, Bar No. 97802
 dpetrocelli@omm.com
O'MELVENY & MYERS LLP
 1999 Avenue of the Stars, 7th Fl.
 Los Angeles, CA 90067-6035
 Telephone: (310) 553-6700

Counsel for Defendants Google LLC et al.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 **IN RE GOOGLE PLAY STORE**
6 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 THIS DOCUMENT RELATES TO:

**JOINT CASE MANAGEMENT
STATEMENT**

8 *Epic Games Inc. v. Google LLC et al.*, Case
9 No. 3:20-cv-05671-JD

Date: November 18, 2021

Time: 11:00 a.m.

10 *In re Google Play Consumer Antitrust*
11 *Litigation*, Case No. 3:20-cv-05761-JD

Courtroom: 11, 19th Floor (by remote access)

Judge: Hon. James Donato

12 *In re Google Play Developer Antitrust*
13 *Litigation*, Case No. 3:20-cv-05792-JD

14 *State of Utah et al. v. Google LLC et al.*, Case
15 No. 3:21-cv-05227-JD

Pursuant to this Court’s Order dated October 22, 2021 (*In re Google Play Store Antitrust Litigation*, No. 3:21-md-02981-JD (N.D. Cal. 2021) (“MDL”) Dkt. No. 122), setting a status conference for November 18, 2021, the parties in the above-captioned MDL action (“the Parties”), by and through their undersigned counsel, submit this Joint Case Management Statement.

I. CASE STATUS SUMMARY

A. Case Schedule

On October 22, 2021, the Court issued an MDL Scheduling Order, setting an October 17, 2022, trial date and pretrial deadlines for this MDL action.

B. Pleadings

On November 1, 2021, Epic filed an Answer to Google’s Counterclaims. MDL Dkt. No. 136. On November 1, 2021, the State Attorneys General (“State AG”) Plaintiffs filed an Amended Complaint. *Utah v. Google LLC*, No. 3:21-cv-05227, Dkt. No. 188. Google’s responsive pleadings to the State AG’s Amended Complaint are due on November 15, 2021.

C. Administrative Motions to Seal

On October 11, 2021, in connection with Defendants’ Answers, Defenses and Counterclaims to Epic Games, Inc.’s First Amended Complaint for Injunctive Relief, MDL Dkt. No. 111, Google filed an Administrative Motion to Seal in connection with certain materials designated confidential by Epic. MDL Dkt. No 112. Epic has not sought to maintain under seal any portion of Google’s Answer and Counterclaims. Accordingly, the Court may deny Google’s Administrative Motion, MDL Dkt. No 112 as moot.

On November 1, 2021, in connection with its Answer and Defenses to Google’s Counterclaims, MDL Dkt. No. 136, Epic filed an Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed in connection with certain materials designated confidential by Google (MDL Dkt. No. 137). Google has not sought to maintain under seal any portion of Epic’s Answer and Defenses to Google’s Counterclaims. Accordingly, the Court may deny Epic’s Administrative Motion, MDL Dkt. No. 137, as moot.

II. STATUS OF DISCOVERY

A. Deposition Protocol

The Parties have met and conferred regarding a deposition protocol to govern the depositions in this MDL action. On October 28, 2021, the Parties submitted a Joint Discovery Letter Brief to the Court regarding a dispute concerning Rule 30(b)(6) depositions. MDL Dkt. No. 134. On November 5, 2021, the Court issued an order regarding the Parties' dispute. MDL Dkt. No. 141. The Parties will meet and confer and submit a deposition protocol to the Court that incorporates the Court's November 5, 2021 Order.

B. Fact Depositions

The Parties are set to begin fact depositions in December. On November 5, 2021, Plaintiffs requested that Google provide dates for twenty witnesses that Class Plaintiffs believe need to be deposed prior to class certification, including three of four witnesses for which Plaintiffs had requested deposition dates on August 30, 2021, and one witness for which Plaintiffs had requested a deposition date on October 24, 2021 as a substitute for one of the original four who was unavailable prior to class certification. Three of those witnesses are now scheduled for December 2, 9, and 20. Because the opening briefs on class certification are due January 28, 2022, Plaintiffs have requested these twenty depositions take place before January 15, 2022.

On October 15, 2021, Google requested depositions of consumer class plaintiffs and three Epic witnesses. Epic offered dates for two of its witnesses on December 16 and January 7, and Consumer Plaintiffs are gathering dates for their class representatives. The Parties continue to meet and confer on the scheduling of depositions.

C. Document Discovery Update

The Parties have made significant progress to date and continue to engage in discovery on a range of topics. There are meet and confers underway to address outstanding discovery issues, and the Parties are hopeful that the remaining issues will be resolved through negotiation.

1 On October 21, 2021, Google announced that it was reducing its service fee on
2 subscriptions purchased through Google Play from 30 percent to 15 percent. On October 25,
3 2021, Plaintiffs requested that Google produce documents and communications related to
4 Google's change to the fee structure. The Parties are meeting and conferring regarding Plaintiffs'
5 request. One deponent Plaintiffs have requested before class certification, a Vice President of
6 Project Management responsible for Google Play, made Google's announcement.

7 On November 1, 2021, Google amended its initial disclosures, including by adding three
8 new individuals who had not previously been identified in this litigation as individuals
9 reasonably likely to have discoverable information that Google may use to support its claims
10 and/or defenses. On November 5, 2021, Plaintiffs requested that Google produce certain
11 custodial documents from the files of these individuals. The Parties are meeting and conferring
12 regarding Plaintiffs' request.

13 The State AG Plaintiffs have indicated that they plan to serve their initial disclosures on
14 or before November 19, 2021.

15 **D. Source Code**

16 The Parties continue to negotiate the scope of source code that Google will make
17 available for Plaintiffs' experts to review and an associated protective order. The Parties are
18 hopeful that the source code issue will be resolved quickly so that, to the extent Class Plaintiffs
19 believe such information is necessary for class certification, Plaintiffs' experts will have
20 sufficient time to review the necessary information.

1
2 Dated: November 11, 2021

CRAVATH, SWAINE & MOORE LLP

Christine Varney (*pro hac vice*)
Katherine B. Forrest (*pro hac vice*)
Darin P. McAtee (*pro hac vice*)
Gary A. Bornstein (*pro hac vice*)
Timothy G. Cameron (*pro hac vice*)
Yonatan Even (*pro hac vice*)
Lauren A. Moskowitz (*pro hac vice*)
Omid H. Nasab (*pro hac vice*)
Justin C. Clarke (*pro hac vice*)
M. Brent Byars (*pro hac vice*)

8
9 FAEGRE DRINKER BIDDLE & REATH LLP
Paul J. Riehle (SBN 115199)

10 Respectfully submitted,

11 By: /s/ Yonatan Even
12 Yonatan Even

13 *Counsel for Plaintiff Epic Games, Inc.*

14
15 Dated: November 11, 2021

BARTLIT BECK LLP
Karma M. Giulianelli

17 KAPLAN FOX & KILSHEIMER LLP
18 Hae Sung Nam

19 Respectfully submitted,

20
21 By: /s/ Karma M. Giulianelli
Karma M. Giulianelli

22 *Co-Lead Counsel for the Proposed Class in*
23 *In re Google Play Consumer Antitrust*
24 *Litigation*

1 Dated: November 11, 2021

PRITZKER LEVINE LLP
Elizabeth C. Pritzker

Respectfully submitted,

By: /s/ Elizabeth C. Pritzker
Elizabeth C. Pritzker

*Liaison Counsel for the Proposed Class in
In re Google Play Consumer Antitrust
Litigation*

8 Dated: November 11, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP
Steve W. Berman
Robert F. Lopez
Benjamin J. Siegel

SPERLING & SLATER PC
Joseph M. Vanek
Eamon P. Kelly
Alberto Rodriguez

Respectfully submitted,

By: /s/ Steve W. Berman
Steve W. Berman

*Co-Lead Interim Class Counsel for the
Developer Class and Attorneys for Plaintiff
Pure Sweat Basketball*

1 Dated: November 11, 2021

HAUSFELD LLP

Bonny E. Sweeney
Melinda R. Coolidge
Katie R. Beran
Scott A. Martin
Irving Scher

Respectfully submitted,

By: /s/ Bonny E. Sweeney
Bonny E. Sweeney

*Co-Lead Interim Class Counsel for the
Developer Class and Attorneys for Plaintiff
Peekya App Services, Inc.*

11 Dated: November 11, 2021

OFFICE OF THE UTAH ATTORNEY
GENERAL

Brendan P. Glackin

Respectfully submitted,

By: /s/ Brendan P. Glackin
Brendan P. Glackin

Counsel for Utah

19 Dated: November 11, 2021

MORGAN, LEWIS & BOCKIUS LLP

Brian C. Rocca
Sujal J. Shah
Michelle Park Chiu
Minna L. Naranjo
Rishi P. Satia

Respectfully submitted,

By: /s/ Brian C. Rocca
Brian C. Rocca

Counsel for Defendants Google LLC et al.

1 Dated: November 11, 2021

O'MELVENY & MYERS LLP

Daniel M. Petrocelli

Ian Simmons

Benjamin G. Bradshaw

Stephen J. McIntyre

Respectfully submitted,

By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli

Counsel for Defendants Google LLC et al.

10 Dated: November 11, 2021

MUNGER, TOLLES & OLSON LLP

Glenn D. Pomerantz

Kyle W. Mach

Kuruvilla Olas

Justin P. Raphael

Emily C. Curran-Huberty

Jonathan I. Kravis

Marianna Y. Mao

Respectfully submitted,

By: /s/ Glenn D. Pomerantz

Glenn D. Pomerantz

Counsel for Defendants Google LLC et al.

E-FILING ATTESTATION

I, Marianna Y. Mao, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Marianna Y. Mao